



April 8, 2021

Questions and Answers Report



Mayor Steve Adler

Mayor Pro Tem Natasha Harper-Madison, District 1

Council Member Vanessa Fuentes, District 2

Council Member Sabino "Pio" Renteria, District 3

Council Member Gregorio Casar, District 4

Council Member Ann Kitchen, District 5

Council Member Mackenzie Kelly, District 6

Council Member Leslie Pool, District 7

Council Member Paige Ellis, District 8

Council Member Kathie Tovo, District 9

Council Member Alison Alter, District 10

The City Council Questions and Answers Report was derived from a need to provide City Council Members an opportunity to solicit clarifying information from City Departments as it relates to requests for council action. After a City Council Regular Meeting agenda has been published, Council Members will have the opportunity to ask questions of departments via the City Manager's Agenda Office. This process continues until 5:00 p.m. the Tuesday before the Council meeting. The final report is distributed at noon to City Council the Wednesday before the council meeting.

QUESTIONS FROM COUNCIL

Items #10 - #12: Approve third reading of an ordinance granting additional floor-to-area ratio entitlements to the project at 82 and 84 North IH-35 Service Road Southbound in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586(B)(6). Approve second and third readings of an ordinance granting additional floor-to-area entitlements to the project at 60 East Avenue and 61 and 69 Rainey Street in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586(B)(6). Approve second and third readings of an ordinance granting additional floor-to-area ratio entitlements to the project at 90 and 92 Rainey Street in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586(B)(6).

COUNCIL MEMBER ALTER'S OFFICE

- 1) *What are the current fees for the Downtown Density Bonus program and the Rainey Density Bonus program?*

The development bonus fees vary by development type and downtown district as described in the Downtown Austin Plan per the table below and contained in [Ordinance No. 20130627-105](#)

Figure 3: Downtown Development Bonus Fee Table

Development Type	Downtown District	Development Bonus Fee (\$/SqFt Bonus Area)
Residential	Core/Waterfront District	\$10/SqFt Bonus Area
	Lower Shoal Creek & Rainey Street Districts	\$5/SqFt Bonus Area
	All other districts	\$3/SqFt Bonus Area
Office	All districts	No Fee
Hotel	All districts	No Fee

Bonus area for the Rainey District is assessed at \$3/square foot.

- 2) *What would the fees for these programs be if Council adopted the fees that staff developed in the context of the re-write of the Land Development Code?*

The fees for these programs in the context of the re-write of the Land Development Code can be found in [this memo from the consultants ECONorthwest](#). Here is the full response and the calibrated fees table:

The downtown density bonus program fees were reevaluated and calibrated during the LDC Revision process. [This memo from the consultant team ECONorthwest](#) summarizes the findings and fees recommended based on their work. Please note that the fees recommended were

based on 1) requirements, zones, and standards in the proposed LDC – not today’s code – and 2) pre-COVID19 economic conditions, which we suspect (at least in the short-term) are different from the peak 2019 conditions that this analysis used, especially in terms of the potential impacts on office and commercial conditions.

The most significant changes in the proposed code that impacted the calibration of these fees were:

- Unlimited height and FAR bonus in all of downtown
- Parking maximums
- Fees were calibrated based on the site’s base zoning (CC and DC in the proposed LDC), not the downtown sub-district as they are today

Exhibit 2. Calibrated In-Lieu Fees in Downtown

Zone or Subdistrict	Residential In-Lieu Fee per Square Foot of Bonus	Commercial In-Lieu Fee per Square Foot of Bonus
CC Zones	\$10	\$12
DC Zone	\$12	\$18
Rainey Subdistrict*	\$5*	\$12 for CC Zones \$18 for DC Zones

*This district requires that a developer provide both on-site affordable units and pay a fee. These fees are calibrated such that they account for the additional set-aside requirement for affordable units.

- 3) *What fees would each of these projects pay for affordable housing and parkland dedication if they were to maximize their development potential without receiving the approval from Council for the additional/discretionary density bonus program and only maximized their development under the administrative density bonus programs?*

For the 82 & 84 N IH-35 Service Rd. project:

At 15:1 FAR, this project would contribute 5,421 SF (6 units) of on-site affordable housing, \$428,830 to the Affordable Housing Trust Fund, and approximately \$320,000 for parkland dedication.

For the 60 East Ave. & 61 and 69 Rainey St. project:

At 15:1 FAR, this project would contribute 7,593 SF (13 units) of on-site affordable housing, \$825,934 to the Affordable Housing Trust Fund, and approximately \$416,393 for parkland dedication.

For the 90 and 92 Rainey St. project:

At 15:1 FAR, this project would contribute 4,649 SF of on-site affordable housing, \$400,000 to the Affordable Housing Trust Fund, and approximately \$321,646 for parkland dedication.

- 4) *If the Council approved the discretionary bonuses, what would each project be required to pay if they chose to meet the program requirements by maximizing the fee-in-lieu option and only met the minimum program requirements of on-site units?*

For the 82 & 84 N IH-35 Service Rd. project:

Without the additional FAR over 15:1, the project could meet the density bonus requirements by providing 5,421 SF (6 units) of on-site affordable housing at 80% MFI, \$887,950 to the Affordable Housing Trust Fund, and an Austin Energy Green Building 3-star rating.

For the 60 East Ave. & 61 and 69 Rainey St. project:

For the FAR from 0:1 to 8:1: 13 onsite affordable housing units

For the FAR from 8:1 to 15:1: \$825,265 fee in lieu for affordable housing

For the FAR 15:1 to 22:1: \$758,620 fee in lieu for affordable housing if no additional onsite affordable units were provided.

For the 90 and 92 Rainey St. project:

For the FAR up to 8:1, the project could meet the Rainey Street District Density Bonus, as required by Code. This includes 5% of the rental units provided on-site at 80% MFI (approximately 4,679 sf).

For the FAR from 0:1 to 8:1: 6 onsite affordable housing Units

For the FAR from 8:1 to 15:1: \$400,000 fee in lieu for affordable housing

For the FAR from 15:1 to 32:1: \$1,357,460 fee in lieu for affordable housing if no additional onsite affordable units were proposed.

- 5) *If Council were to approve the discretionary bonuses, what is the amount of the increased contributions towards parkland dedication and affordable housing that these projects would be required to make using our existing fee requirements (not including any contributions they are proposing to contribute beyond the minimum requirements)?*

For the 82 & 84 N IH-35 Service Rd. project:

If the Council approves the project to exceed the 15:1 in FAR, it will provide an additional 3,564 SF (4 units) of on-site affordable housing at 120% MFI, \$272,870 to the Affordable Housing Trust Fund, and \$117,228 for parkland dedication.

For the 60 East Ave. & 61 and 69 Rainey St. project:

If the Council approves the project to exceed the 15:1 in FAR, it will provide an additional 9,300 SF of on-site affordable housing, \$379,310 to the Affordable Housing Trust Fund, and \$169,303 for parkland dedication.

The additional parkland dedication would be \$169,303 and the additional affordable housing would be the number referenced above, \$758,620 if no additional onsite affordable housing were to be proposed.

For the 90 and 92 Rainey St. project:

If the Council approves the project to exceed the 15:1 in FAR, it will provide an additional 9,358 SF of on-site affordable housing, \$400,000 to the Affordable Housing Trust Fund for the FAR above the 8:1, \$889,532 to the Affordable Housing Trust Fund for the FAR above 15:1.

The additional contribution towards parkland dedication would be \$364,533. The additional contribution towards affordable housing would be \$1,085,968 if no additional onsite affordable housing were to be proposed.

- 6) *In what ways, if any, are each of these projects proposing to exceed our minimum program requirements for the discretionary density bonus?*

Each project is offering additional community benefits in the form of a combination of on-site affordable housing units and fee-in-lieu for affordable housing in accordance with the provisions of 25-2-586(B)(6)(d).

For the 82 & 84 N IH-35 Service Rd. project:

The project proposes to exceed the minimum DDBP requirements in that the 3,564 SF (4 units) of on-site affordable housing over 15:1 will be at 80% MFI, matching the Rainey District program requirements, as opposed to 120% MFI as required by the Downtown Density Bonus Program, in addition to the \$701,700 to the Affordable Housing Trust Fund, and the applicant will pave the entire alley adjacent to the site, a Rainey District transportation improvement that has been identified as a neighborhood priority and has been valued by ATD at \$300,000. The transportation improvements are not considered *Other Community Benefits* as described in 25-2-586(E)(12).

For the 60 East Ave. & 61 and 69 Rainey St. project:

Affordable Housing: This project is providing an additional 12 on-site affordable housing units that are not required by the current program and still providing an additional \$379,310 in affordable housing fee in lieu for a total of 25 onsite affordable housing units, and a fee in lieu total of \$1,204,575.

Parks Funding: This project is providing an additional \$400,000 to The Trail Foundation. \$250,000 for funding of the Rainey Trail head and \$150,000 for maintenance of the trailhead. These improvements are not considered *Other Community Benefits* as described in 25-2-586(E)(12).

For the 90 and 92 Rainey St. project:

Affordable Housing: This project is providing an additional 14 on-site affordable housing units that are not required by the current project and still proposing to provide an additional \$889,532 in affordable housing fee in lieu. The total affordable housing package will be 20 onsite affordable housing units and \$1,289,532.

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- 7) *What is the additional amount of square footage each project will realize by participating in the administrative bonus program, and what is the additional amount of square footage each program will realize by participating in the discretionary bonus program that Council is considering in these items?*

For the 82 & 84 N IH-35 Service Rd. project:

For the FAR up to 8:1, approximately 135,621 square feet

For the FAR from 8:1 to 15:1, approximately 118,669 square feet

For the FAR Over 15:1, approximately 93,240 square feet

For the 60 East Ave. & 61 and 69 Rainey St. project:

This project will receive an additional 151,724 square feet.

For the 90 and 92 Rainey St. project:

This project will receive an additional 271,492 square feet.

- 8) *How do the density bonus programs (both Rainey and Downtown) consider the impacts of HOA or similar building fees? Are those fees included in the caps that a homeowner or renter would pay if they occupied an income-restricted unit? How and where is that codified and do we have any recent examples in the Rainey District where we have ensured that HOA fees are included in the total amounts a renter or homeowner would be paying if they are occupying an income-restricted unit?*

The density bonus programs do not factor in HOA fees.

****Updated responses attached below****



Council Question and Answer

Related To

Items #10-12

Meeting Date

April 8, 2021

Additional Answer Information

Item 10: Approve third reading of an ordinance granting additional floor-to-area ratio entitlements to the project at 82 and 84 North IH-35 Service Road Southbound in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586(B)(6).

Item 11: Approve second and third readings of an ordinance granting additional floor-to-area entitlements to the project at 60 East Avenue and 61 and 69 Rainey Street in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586(B)(6).

Item 12: Approve second and third readings of an ordinance granting additional floor-to-area ratio entitlements to the project at 90 and 92 Rainey Street in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586(B)(6).

QUESTION/ANSWER: Council Member Alter's Office

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their work. Please note that the fees recommended were based on 1) requirements, zones, and standards in the proposed LDC – not today’s code – and 2) pre-COVID19 economic conditions, which we suspect (at least in the short-term) are different from the peak 2019 conditions that this analysis used, especially in terms of the potential impacts on office and commercial conditions.

The most significant changes in the proposed code that impacted the calibration of these fees were:

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This project will receive an additional 271,492 square feet.

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The density bonus programs do not factor in HOA fees.

****Updated responses attached below****

Applications as Submitted

Project	Total building gross sq ft	Total net sq ft devoted to residential use	Residential percentage of project	Net Residential sq ft in 8:1	5% of sq ft for Affordable on-site Rainey req.	Density Bonus Area 8:1 to 15:1 FAR	AEGB Community Benefit Credit	8:1 to 15:1 FAR FIL (\$5/square foot)	Density Bonus Area above 15:1 FAR	Applicant offering for on-site affordable sq ft above 15:1	Applicant offering FIL for remaining above 15:1 FAR with credit for the above 15:1 on-site sq ft.	Total Affordable sq ft	Total # of On-site affordable units (bedroom mix of affordable units must roughly match the overall mix)	Total FIL
82 & 84 N IH 35 (non-mixed use)	347,530	272,862	79%	108,420	5421	148,915	34,310	\$ 573,025	90,205	4510	\$ 225,513	9,931	10 Ownership units @ 80% MFI	\$ 798,538
60 East, 61 & 69 Rainey (non-mixed use)	505,409	406,815	80%	151,867	7593	165,053	0	\$ 825,265	151,724	7586	\$ 379,310	15,180	25 Rental units @ 80% MFI	\$1,204,575
90 & 92 Rainey (non-mixed use)	511,492	425,373	83%	92,989	4649	112,000	32000	\$ 400,000	271,492	9358	\$ 889,560	14,007	20 Ownership units @ 80% MFI	\$1,289,560

*Under the Downtown Density Bonus Program 1 sq ft of on-site community benefit is credited as 10 sq ft.

Question 4: If the Council approved the discretionary bonuses, what would each project be required to pay if they chose to meet the program requirements by maximizing the fee-in-lieu option and only met the minimum program requirements of on-site units?

Under this scenario, in which all density bonus area that can be accounted for by FIL is the 82 & 84 N IH 35 project would pay a FIL of \$1,195,600; the 60 East project would pay a FIL of \$1,583,885; and the 90 & 92 Rainey project would pay a FIL of \$1,917,460. The highlighted sections below reflect a change from the applications as submitted.

Project	Total building gross sq ft	Total net sq ft devoted to residential use	Residential percentage of project	Net Residential sq ft in 8:1	5% of sq ft for Affordable on-site Rainey req.	Density Bonus Area 8:1 to 15:1 FAR	AEGB Community Benefit Credit	8:1 to 15:1 FAR FIL (\$5/square foot)	Density Bonus Area above 15:1 FAR	Applicant offering for on-site affordable sq ft above 15:1	FIL for FAR above 15:1	Total Affordable sq ft	Total FIL
82 & 84 N IH 35 (non-mixed use)	347,530	272,862	79%	108,420	5421	148,915	0	\$ 744,575	90,205	0	\$ 451,025	5,421	\$ 1,195,600
60 East, 61 & 69 Rainey (non-mixed use)	505,409	406,815	80%	151,867	7593	165,053	0	\$ 825,265	151,724	0	\$ 758,620	7,593	\$ 1,583,885
90 & 92 Rainey (non-mixed use)	511,492	425,373	83%	92,989	4649	112,000	0	\$ 560,000	271,492	0	\$ 1,357,460	4,649	\$ 1,917,460

Question 5: If Council were to approve the discretionary bonuses, what is the amount of the increased contributions towards parkland dedication and affordable housing that these projects would be required to make using our existing fee requirements (not including any contributions they are proposing to contribute beyond the minimum requirements)?

Under this scenario, in which the discretionary bonus area is accounted for entirely by FIL the 82 & 84 N IH 35 project would pay a FIL for the FAR above 15:1 of \$451,025; the 60 East project would pay a FIL for the FAR above 15:1 of \$758,620; and the 90 & 92 Rainey project would pay a FIL for the FAR above 15:1 of \$1,357,460. The highlighted sections below reflect a change from the applications as submitted. The response to the parkland dedication portion of the question will be forthcoming.

Project	Total building gross sq ft	Total net sq ft devoted to residential use	Residential percentage of project	Net Residential sq ft in 8:1	5% of sq ft for Affordable on-site Rainey req.	Density Bonus Area 8:1 to 15:1 FAR	AEGB Community Benefit Credit	8:1 to 15:1 FAR FIL (\$5/square foot)	Density Bonus Area above 15:1 FAR	Applicant offering for on-site affordable sq ft above 15:1	FIL for FAR above 15:1	Total Affordable sq ft	Total FIL
82 & 84 N IH 35 (non-mixed use)	347,530	272,862	79%	108,420	5421	148,915	34,310	\$ 573,025	90,205	0	\$ 451,025	5,421	\$ 1,024,050
60 East, 61 & 69 Rainey (non-mixed use)	505,409	406,815	80%	151,867	7593	165,053	0	\$ 825,265	151,724	0	\$ 758,620	7,593	\$ 1,583,885
90 & 92 Rainey (non-mixed use)	511,492	425,373	83%	92,989	4649	112,000	32000	\$ 400,000	271,492	0	\$ 1,357,460	4,649	\$ 1,757,460

Question 6: In what ways, if any, are each of these projects proposing to exceed our minimum program requirements for the discretionary density bonus?

Both the 82 & 84 N-IH 35 and 90 & 92 Rainey projects are offering to dedicate their ownership affordable square footage above 15:1 at 80% MFI, which is lower than the required Downtown Density Bonus level of 120% MFI and matches the Rainey Street density bonus requirement of 80% MFI. For the Downtown Density Bonus program, which applies to the FAR above 8:1, the applicant has the option of only paying a fee-in-lieu of on-site community benefits for their bonus area. In addition to paying a FIL for the density bonus area above 15:1, all three applicants have chosen to provide additional on-site affordable square footage above their Rainey Street density bonus requirement.

Question 7: What is the additional amount of square footage each project will realize by participating in the administrative bonus program, and what is the additional amount of square footage each program will realize by participating in the discretionary bonus program that Council is considering in these items?

Housing staff does not have the numbers to calculate the possible bonus FAR between the Rainey Street 40ft height limit and 8:1 FAR ceiling for the Rainey Steet density program. For the Downtown Density Bonus program the 82 & 84 N IH 35 project is asking for an administrative bonus area of 148,915 sq ft and a discretionary bonus area of 90,205 sq ft; the 60 East project is asking for an adminstrative bonus area of 165,053 sq ft and a discretionary bonus area of 151,724 sq ft; and the 90 & 92 Rainey project is asking for an adminstrative bonus area of 112,000 sq ft and a discretionary bonus area of 271,492 sq ft.